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Attorney for Defendant
Panion & BF Biotech, Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KERYX BIOPHARMACEUTICALS, INC., : ECF CASE
:
Plaintiff, : 07 Civ. 10376 (CSH)
:
-against- : **DEFENDANT'S**
:
PANION & BF BIOTECH, INC., : **SUBMISSION**
:
Defendant. : **(FILED UNDER SEAL)**
:
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**DEFENDANT'S SUBMISSION IN OPPOSITION TO PLAINTIFF'S MOTION BY
ORDER TO SHOW CAUSE FOR A PRELIMINARY INJUNCTION AND
APPLICATION FOR EXPEDITED DISCOVERY AND PRETRIAL PROCEEDINGS,
AND EXPEDITED ADJUDICATION OF ITS CLAIMS**

1. Attached is a true copy of the Declaration of Jack W. Chung.
2. Attached is a true copy of the Declaration of Michael Chiang.
3. Attached is a true copy of the Declaration of Cindy Chiang.
4. Attached is a true copy of the Declaration of Keith Chan.
5. Attached is a true copy of the Declaration of Albert Wai-Kit Chan.

6. Attached is a true copy of the Declaration of Taro Yaguchi.
7. Attached is a true copy of the Defendant's Memorandum of Law in Opposition to Plaintiff's Motion by Order to Show Cause for a Preliminary Injunction and Application for Expedited Discovery and Pretrial Proceedings, and Expedited Adjudication of its Claims.

Dated: New York, New York

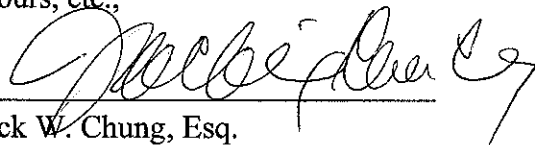
November 24, 2007

Of Counsels:

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Yours, etc.,



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Attorney for Defendant
Panion & BF Biotech, Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
ECF CASE
KERYX BIOPHARMACEUTICALS, INC., : 07 Civ. 10376 (CSH)
:
Plaintiff, : **DECLARATION OF**
-against- : **JACK W. CHUNG**
:
PANION & BF BIOTECH, INC., :
:
Defendant. :
:
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1. I am a member of the Bar of this Court, counsel for Defendant Panion & BF Biotech, Inc. ("Panion") in this action. I have personal knowledge of the matters stated in this declaration, except as otherwise stated.

2. I respectfully submit this declaration in opposition to Plaintiff's motion by order to show cause seeking: (1) preliminary injunction; and (2) application for expedited discovery; and (3) pretrial proceedings; and (4) expedited adjudication of its claims.

3. Attached is a true copy of the Declaration of Jack W. Chung.

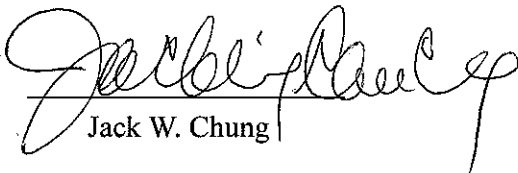
4. Attached is a true copy of the Declaration of Michael Chiang.
5. Attached is a true copy of the Declaration of Cindy Chiang.
6. Attached is a true copy of the Declaration of Keith Chan.
7. Attached is a true copy of the Declaration of Albert Wai-Kit Chan.
8. Attached is a true copy of the Declaration of Taro Yaguchi.

9. The exhibits referenced in, and attached to, the Defendant's Memorandum of Law In Opposition to Plaintiff's Motion by Order to Show Cause for a Preliminary Injunction and Application for Expedited Discovery and Pretrial Proceedings, and Expedited Adjudication of its Claims, dated November 24, 2007, are true and accurate copies of the documents that they purport to represent.

10. No prior request for the relief sought here has been made in this or any other court.

I, JACK W. CHUNG , hereby declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: November 24, 2007


Jack W. Chung

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Attorneys for Defendant
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KERYX BIOPHARMACEUTICALS, INC.,	Plaintiff,	:	ECF CASE 07 Civ. 10376 (CSH)
	-against-	:	DECLARATION OF TARO YAGUCHI
PANION & BF BIOTECH, INC.,	Defendant.	:	
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1. My name is Taro Yaguchi and I am a registered patent attorney, and I practice before the Japanese Patent Office. I practice in the Tokyo and Philadelphia office of Keisen and Associates. My practice focuses on patent prosecutions. I have practiced before the Japanese Patent Office, as a specialist and subsequently a registered patent attorney, for a total of over 17 years. I have participated in the prosecution of over 800 patent applications. By training and experience, I am familiar with practice and procedure in the Japanese Patent Office.

2. For a pending second office action, even if the response does not put this application in allowance, the applicant will receive either another non-final office action or a final office action. The applicant may appeal and submit new evidence such as references, which may be helpful in rebuttal of the rejections raised by the Japanese Patent office may be presented.

3. It would usually take the Examiner at least three weeks or longer to review an applicant's rebuttal argument. During this time and before the review of the applicant's rebuttal argument, new references supporting the rebuttal argument may be submitted.

4. If applicant wants to argue that the cited references in the office action is irrelevant, the applicant may set up an Examiner interview after filing the response to the pending office action.

5. If there is a divisional application filed which pursue the original claims. The applicant may pursue the same subject matters if the appeal of the original application fails. The Japanese patent office will accept new evidence or references in this divisional application.

I, Taro Yaguchi, hereby declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 23rd day of November, 2007.



Taro Yaguchi